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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

MEDFORD DIVISION

**BLUE MOUNTAINS BIODIVERSITY
PROJECT,**
an Oregon nonprofit corporation,

Plaintiff,

v.

HOMER WILKES, Under Secretary for Natural Resources and Environment, United States Department of Agriculture, in his official capacity; **UNITED STATES DEPARTMENT OF AGRICULTURE**, an agency of the United States; **GLENN CASAMASSA**, Regional Forester for Region 6, in his official capacity; **SHANE JEFFRIES**, Forest Supervisor, Ochoco National Forest, in his official capacity; **MICHAEL RAMSEY**, District Ranger for the Lakeview Ranger District, Fremont Winema National Forest, in his official capacity;

Case No. 1:22-cv-01500-CL

**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO RESPOND
TO DEFENDANT'S MOTION TO
DISMISS**

UNOPPOSED MOTION FOR EXTENSION TO RESPOND TO DEFENDANTS' MOTION TO DISMISS

UNITED STATES FOREST SERVICE,
an agency of the United States Department
of Agriculture,

Defendants.

Motion

In accordance with Local Rule 16-3, Plaintiff respectfully requests a 7-day extension of time to file its Response to Defendants' Motion to Dismiss. Plaintiff's Response is currently due on January 31, 2023¹, 14 days after Defendants filed their Motion to Dismiss on January 17, 2023. With a 7-day extension of time, Plaintiff's Response deadline would be extended to February 7, 2023. Plaintiff hereby certifies that counsel for all parties have conferred pursuant to LR 7-1, and Defendants indicated they do not oppose Plaintiff's extension of time.

Memorandum in Support of Motion

Plaintiff requests an extension for its Response to Defendants' Motion to Dismiss given that both attorneys for Plaintiff, Tom Buchele and Austin Starnes, tested positive for and presented symptoms of COVID-19 on or about January 22-24, 2023. Both attorneys are now starting to recover and are diligently working on Plaintiff's Response, but require more time to finalize and file said Response, given that both attorneys were sick for almost a full week. Therefore, Plaintiff seeks a 7-day extension to file its Response on February 7, 2023. This extension will impact the timeline for Defendants' Reply to Plaintiff's Response, which would

¹ When Plaintiff initially went to file this Motion via the Court's ECF system, there was one page that stated "Motion Response Due, Date: 2/6/2023." Plaintiff believes this date to be incorrect, as under LR 7-1(e) "Time Limits for Motions Other Than Motions Filed Pursuant to Fed. R. Civ. P. 56," a Response to a Motion to Dismiss would be due 14 days after service of the motion. This is supported by the "Deadlines/Hearings" page for this case on ECF, which lists 01/31/2023 as the set date for a Response to Defendants' Motion to Dismiss, ECF No. 24. This footnote is just to clarify that point and avoid any potential confusion.

now be due 14 days after Plaintiff's Response is filed, on February 21, 2023, pursuant to LR 7-1(e)(2).

For good cause, Plaintiff requests that the Court grant its motion and order that Plaintiff has until February 7, 2023 to respond to Defendants' Motion to Dismiss.

Dated: January 23, 2023

s/Austin Starnes

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